

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LINDA HARLEY,

Plaintiff,

ORDER
CV 09-2897 (JFB)(ARL)

-against-

THE SUFFOLK COUNTY POLICE DEPARTMENT,
et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the defendants' motion seeking to "stay plaintiff from discovery until she complies with relevant court orders and her outstanding discovery obligations." That request is denied. However, the court will not disregard the fact that the plaintiff has not complied with the court's May 25, 2010 and July 17, 2010 orders. Accordingly, on or before September 27, 2010, the plaintiff is directed to serve her written narrative statement on the defendants. A detailed explanation of what is to be included in the written narrative is set forth in the court's May 25, 2010 order. The plaintiff shall also be given one final opportunity to respond to the defendants' outstanding discovery demands. All responses must be served on the defendants by September 27, 2010. The plaintiff's failure to comply with this order may lead to the imposition of sanctions, including a recommendation that the case be dismissed for failure to prosecute. Rule 41(b) gives the district court power to dismiss a complaint "for failure to comply with a court order, treating noncompliance as a failure to prosecute." *Simmons v. Abruzzo*, 49 F.3d 83, 87 (2d Cir. 1995). It is well settled that a dismissal under Rule 41(b) "operates as an adjudication on the merits and that such a dismissal is with prejudice." *Hoffman v. Wisner Classic Mfg. Co.*, 927 F. Supp. 67, 71 (E.D.N.Y. 1996) (citing *Link v. Wabash R. Co.*, 370 U.S. 626, 630-32 (1962)).

The defendants' time to respond to the plaintiff's document demand is extended to October 11, 2010. The defendants' time to serve and file its written narrative is extended to November 8, 2010. All discovery, inclusive of expert discovery, must be completed by December 29, 2010. The plaintiff shall submit a revised narrative statement by January 12, 2011. The defendants shall submit the customary pretrial order by January 26, 2011. Any party planning on making a dispositive motion shall take the first step in the motion process by February 9, 2011.

Counsel for the defendants is directed to serve a copy of this order on the plaintiff by certified mail and to file proof of service with the court.

Dated: Central Islip, New York
August 30, 2010

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge